

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

K-5 REALTY, LLC, a Florida limited liability company,)	
)	
Plaintiff,)	Case No. 08 C 1400
v.)	
)	Honorable Judge Charles Norgle
CONTRIBUTED MUTUAL BENEFITS)	
MORTGAGE SERVICES, INC., an Illinois)	Magistrate Judge Brown
corporation, and CHARLES CHRISTIAN,)	
individually,)	JURY DEMANDED
)	
Defendants.)	

MOTION TO DETERMINE WHETHER TO FILE EXHIBITS UNDER SEAL

The Plaintiff, K-5 REALTY, LLC, by its attorney, Gregg Minkow of Hinshaw & Culbertson LLP, prays for an order determining whether Exhibits B and C to the Complaint, also forming Exhibits C and D to the Plaintiff's Motion for Prejudgment Attachment Order, Preliminary Injunction, Accelerated Discovery, or Other Relief, must be filed under seal, and in support thereof states as follows:

1. Exhibits B and C to the Complaint, which also form Exhibits C and D to the above-referenced Motion, are contract documents entered into by the Plaintiff and the corporate Defendant, and are marked "confidential."

2. Since the documents themselves do not indicate when any confidential status would cease, as a courtesy to the Defendant, the Plaintiff withheld copies of the aforesaid exhibits from the Complaint and Motion when they were filed, but included them in courtesy copies and service copies of the Motion given to the Plaintiff and the Court.

3. Plaintiff does not seek to file these documents under seal. However, Plaintiff brings this Motion for determination as to whether those documents should, in fact, be filed under seal, in order to give the Defendants an opportunity to seek such relief if they see fit.

WHEREFORE, Plaintiff asks the Court to determine whether the above-referenced exhibits to the Complaint and Motion should be filed under seal or whether, instead, they be appended *instantly* to the filed Complaint and Motion.

Respectfully submitted,

K-5 REALTY, LLC, a Florida limited
liability company, Plaintiff

By: s/ Gregg I. Minkow
One of its Attorneys

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CERTIFICATE OF SERVICE

I hereby certify that on March 18, 2008, I electronically filed **Motion to Determine Whether to File Exhibits Under Seal** with the Clerk of the U.S. District Court, Northern District of Illinois, Eastern Division, using the CM/ECF system. Notification of such filings(s) was sent via Hand Delivery and UPS Overnight Delivery and electronic mail to the following:

Charles Christian, as President on behalf of
Contributed Mutual Benefits Mortgage Services, Inc.
8655 E. Via Del Ventura, Suite G-200
Scottsdale, AZ 85258

Charles Christian, individually
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HINSHAW & CULBERTSON LLP

By: s/ Gregg I. Minkow
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